



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 24, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby (via phone); Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Information Services Manager Lance Harris; Police Captain Mark Gardner; Senior Planner Clare Fuchs; Human Resources Manager Janet Newport

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:11 p.m.

B. ANNOUNCEMENTS

1. Proclamation Declaring the Week of April 21 - 26, 2014 as "National Community Development Week" in the City of Tualatin

Councilor Bubenik read the proclamation declaring April 21-26, 2014 National Community Development Week.

2. Announcement and Proclamation Declaring April 6 – April 12, 2014 Arbor Week in the City of Tualatin

Community Services Director Paul Hennon shared information about Arbor Week. This is the 27th year that the City of Tualatin has been recognized as a Tree City USA. here are many events and activities planned for Arbor Week.

Councilor Davis read the proclamation declaring April 6-12, 2014 Arbor Week in the City of Tualatin.

3. Proclamation Declaring March 30 - April 5, 2014 as Volunteer Appreciation Week in the City of Tualatin

Human Resources Manager Janet Newport shared information about Volunteer Appreciation Week. In 2013, City of Tualatin volunteers logged thousands of volunteer hours. They will be honored next week on April 3 for a Volunteer Appreciation Night.

Mayor Ogden read the proclamation declaring March 30 – April 5, 2014 Volunteer Appreciation Week in the City of Tualatin

4. New Employee Introduction- Tami Bergeron, Human Resource Specialist

Human Resources Manager Janet Newport introduced Tami Bergeron, Human Resources Specialist. The Council welcomed her.

5. Update on Location of City Services

Deputy City Manager Sara Singer presented information about the City Council Building and new locations of City Services. Information was included in last month's City Newsletter about locations and where to find city services. The Council Building will be vacant by March 28, 2014. Municipal Court will be held at the Police Department beginning April 3, 2014.

Tonight, March 24th, 2014 is the last Council Meeting that will be held in the Council Building. The Council Meetings will be held at the Juanita Pohl Center at 8513 SW Tualatin Rd. beginning April 14, 2014. The Council Meetings will stream live at tualatinoregon.gov.

Deputy City Manager Singer shared information about the upcoming Neighborhood Developer Meeting to discuss the redesign of the City parking lots. In April discussion will begin about civic facilities.

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Mayor Lou Ogden, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Vote: 6 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 10, 2014

2. Consideration to Authorize the City Manager to execute the Managing Oregon Resources Efficiently (MORE) Intergovernmental Agreement and Withdraw from the Existing Agreement
3. Consideration of **Resolution No. 5177-14** Approving a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)
4. Consideration of Approval of 2014 Liquor License Renewals Late Submittals
5. Consideration of Approval of a New Liquor License Application for Grampys Inc.

E. SPECIAL REPORTS

1. Tualatin Planning Commission 2013 Annual Report

Planning Manager Aquila Hurd-Ravich and Mike Riley, Chair of the Planning Commission, presented the Annual Report for the Tualatin Planning Commission (TPC). During the 2013 calendar year the TPC reviewed three Plan Text Amendments: Transportation System Plan, Water Master Plan and Chicken Keeping. The TPC was not involved in many of the map changes last year, but did have many educational opportunities. Mayor Ogden thanked the TPC for their hard work.

2. Tualatin Heritage Center 2013 Annual Report

Community Services Director Paul Hennon, Tualatin Heritage Center Director Larry McClure, and Tualatin Historical Society President Art Sasaki presented the Tualatin Heritage Center (THC) 2013 Annual Report. The THS played a big role in the Centennial celebration of the City of Tualatin including the Time Capsule burial. The Heritage Center installed new windows enhanced with UV protection to protect the artifacts. The number of visitors to the Heritage Center increased in 2013. The THC budget remains steady and balanced. Recently, historical plants were moved from the Council Building to the Heritage Center. In an environmental awareness effort the THC is participating in a Nature Passport program with surrounding natural park areas. The Nature Passports will be available in the near future. Mayor Ogden thanked the THC for their great work.

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of an Annexation of the Espedal Properties at 17865 and 17985 SW Pacific Highway

At this time, 8:01pm, Councilor Brooksby was called in via conference call to the meeting.

Due to the nature of the follow two items, Mayor Ogden requested the information be presented all together prior to making decisions. If the Council is not willing to change the zoning for the properties, we should not annex the property.

Senior Planner Clare Fuchs and Planning Manager Aquila Hurd-Ravich presented the staff report for the consideration of a petition for Annexation of the Espedal Properties at 17865 and 17985 SW Pacific Highway. These properties consist of 3 tax lots, with 11.91 acres of potential future development. The annexation is for an apartment complex to include water and sewer. These properties are located in Washington County which does not allow for high density residential development. Currently, there are homes and out buildings on this lot. This property would give access to continuing the Tualatin River Greenway Trail.

The owner of the properties applied for annexation of the total site, approximately 11.91 acres. The Plan Map Amendment 14-01 is to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Destiny Residential. It is not likely that a commercial business will develop on this site. It is important to know that the site is in a flood plain and has natural resources protection which takes up about 1/3 of the land.

Brian Moore, Director of Mountain West Investment Corporation, gave a presentation regarding the property. The current zoning has created development challenges. Mr. Moore proposes a high quality, multi-family development on the site and construction of the Tualatin Greenway Path. This development will not be low income, but a market rate complex. DKS Engineering & Forestry has been working closely with Oregon Department of Transportation (ODOT) and the City of Tualatin Engineers regarding traffic concerns at the site.

Chris Goodell with AKS Engineering & Forestry added to Mr. Moore's presentation. He noted that the property is surrounded by residential properties which would make this an ideal location for an apartment complex.

CITIZEN COMMENT

Rudy Kadlub is the developer and master planner of this site and represents the owners of the property. Mr. Kadlub expressed concerns regarding the proceedings tonight. The land owners do not want the land annexed if it does not lead to a zone change.

Doug Watson is in favor of the annexation and rezoning of the property. Mr. Watson is not in favor of the development of the Tualatin Greenway Path as it will have an impact on nearby property owners. He would like to seek modification of the greenway proposal.

COUNCIL QUESTIONS

Councilor Grimes asked to see a picture of the proposed greenway path. The concern is where the path would end, which is right on the property line of Mr. Watson's neighbor.

Community Services Director Paul Hennon added clarification stating the proposed greenway path is to gain access to the Tualatin River. The City of Tualatin owns land rights to the trail at Roamer's Rest (an adjoining property). The greenway path is to hug the bank of the Tualatin River, but placement of the path is restricted by availability of land. He noted it is not possible to put the path lower on the river bank at the point near Mr. Watson's neighbor. The proposed cut off for the trail is just before the neighboring property line. Vegetation could be placed to create privacy.

A recess was taken from 8:40-8:49 p.m.

Mr. Moore explained that traffic traveling north out of the complex would need to make a u-turn on Pacific Hwy just after 124th Ave. There are two u-turn pockets located on Pacific Hwy between 124th and Cipole that would be utilized. It was noted that Creekview Crossing in Sherwood is set up exactly how this property would be and they do not have any issues.

Councilor Bubenik asked about the potential of u-turn accidents at Pacific Hwy and 124th Ave.

Planner Fuchs added that one of the reasons a commercial business does not work at this location is due to the ingress and egress. With new customers every day the traffic pattern would be known and many customers would make illegal u-turns on Pacific Hwy. By building an apartment complex, the customers are residents and because they are coming and going to the same location daily they can learn the traffic pattern and avoid illegal u-turns.

Mayor Ogden asked if there is any concern for the smell coming from nearby Grimms Fuel. Mr. Moore contacted several neighbors regarding this issue and there does not seem to be any major concerns.

Council President Beikman inquired about the flood plan map. The proposed development includes a parking lot in the flood plain area to avoid potential building damage.

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes to direct staff to prepare an ordinance granting ANN-14-01.

Vote: 7 - 0 MOTION CARRIED

2. Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway (PMA-14-01)

Mayor Ogden read from the City of Tualatin Land Use Book, ORS 197.763 and 197.796 Development Code.

PUBLIC COMMENT

Mike Riley representative of the Planning Commission presented their recommendation. The Planning Commission reviewed the exhibits, discussed the traffic concerns, and found this proposal acceptable. The floodway concerns were cured by the parking lot proposal. The Planning Commission recommends the

consideration of Plan Map Amendment 14-01 to the Council.

Chris Goodell of AKS Engineering and Forestry has a solid basis for recommendation of this amendment.

Brian Moore of Mountain West Investment Corporation stated this site is challenging for commercial use and is in support of the amendment.

Doug Watson is in favor of the amendment but opposed to the greenway path.

COUNCIL QUESTIONS

None

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to direct staff to prepare a ordinance to amend Community Plan Map 9-1 and changing the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway.

Vote: 7 - 0 MOTION CARRIED

H. GENERAL BUSINESS

1. Consideration of **Resolution 5186-14** authorizing execution of an Annexation Agreement with the Degele Family Trust to govern annexation of 11.91 acres of land located at 17865 and 17985 SW Pacific Highway (Tax Map 2S1 15C Tax Lots 2191, 2202, and 2300)

Mayor Ogden read from the City of Tualatin Land Use Book, ORS 197.763 and 197.796 Development Code. Mayor Ogden noted that the entire record from the public hearing (agenda item G.1) would be entered into this record.

Senior Planner Clare Fuchs and Planning Manager Aquila Hurd-Ravich presented the staff report for Resolution 5186-14. Planner Fuchs noted Washington County does not allow for this type of zone change to the property. Consideration tonight is for all three zones to be changed to high destiny residential. The annexation was approved on the property and it meets the annexation requirements.

PUBLIC COMMENT

Applicants Brian Moore and Chris Goodell are in support of the application and proposed zone change.

Rudy Kadlub is in favor of the annexation and plan map amendment.

COUNCIL QUESTIONS

None

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes to adopt Resolution 5186-14 authorizing execution of an annexation agreement with the Degele Family Trust to govern annexation of 11.91 acres of land located at 17865 and 17985 SW Pacific Highway.

Vote: 7 - 0 MOTION CARRIED

2. Consideration of **Ordinance No. 1370-14** Allowing Small-Scale Mixed Uses and Mobile Food and Flower Vendors in Industrial Areas; and Amending Tualatin Development Code Chapters 34, 60, 61, 62, and 69 (PTA-14-01)

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes for first reading by title only.

Vote: 7 - 0 MOTION CARRIED

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes for second reading by title only.

Vote: 7 - 0 MOTION CARRIED

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to adopt Ordinance No. 1370-14 allowing small-scale mixed uses and mobile food and flower vendors in Industrial Areas; and amending Tualatin Development Code Chapters 34, 60, 61, 62, and 69.

Vote: 7 - 0 MOTION CARRIED

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Beikman invited all to attend an educational event discussing Marijuana. Speakers will discuss the harmful truth about marijuana and our youth. The event is being held on Monday, April 7th, 5:30 p.m., at Tualatin High School.

Councilor Bubenik announced the Tualatin Library Foundation Vine to Wine 2014 will be held on April 19, 7:00-9:30 p.m., at the Tualatin Library. The cost is \$40 and can register online at tualatinfoundation.org.

K. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:21 p.m.

Sherilyn Lombos, City Manager



/ Merab Walker, Recording Secretary



/ Lou Ogden, Mayor